

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

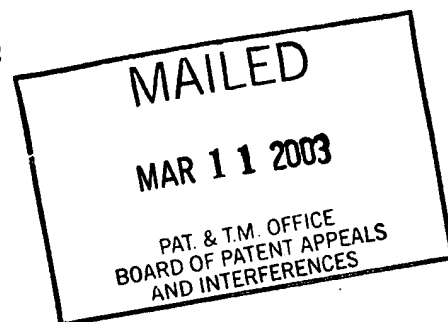
Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte BRIAN D. JOHNSON

Application No.09/048,838



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on February 10, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

on October 10, 2001, a Request for Oral Hearing (Paper No. 21), and Reply Brief was filed. The Reply Brief needs to be considered by the primary examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.197 and 1.198. A communication notifying appellants of the primary examiner's decision is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for consideration of the Reply Brief, notification to applicants of consideration and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INFERENCES

By: *Frances C. Han*  
FRANCES C. HAN  
Program and Resource Administrator  
(703) 308-9797

FCH/dal  
RA03-0202

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Nixon & Vanderhye  
1100 North Glebe Road  
8<sup>th</sup> Flr.  
Arlington, VA 22201